U.S. Army Central Regional Environmental Office

Environmental Monitor

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Flying Officers, Love Field, Dallas, Texas. C1918.

Camp Bullis Recognized for Conservation Efforts That Sustain Military Readiness

By Edward Rivera
Fort Sam Houston Public Affairs

As in real combat, many soldiers training at Camp Bullis strive to ensure that an area is left as if they were never there. This way the enemy can't detect their presence by their leaving broken tree limbs or dug fighting positions.

At Camp Bullis there are no real enemies, but there are some areas that must remain undisturbed and intact, for the occupants of these areas are endangered.

Some units training at Camp Bullis are able to conceal their presence. Some support units whose duty it is to provide services such as laundry, refueling, or food service simply cannot use an area and leave it as if untouched. They do take out what they bring in; however, there will be relatively great wear and tear on vegetation.

The Camp Bullis Training Area Management and Natural Resources office received the 2002 Conservation Award from the Texas Master Naturalist, Alamo Area Chapter on May 10th. The award recognizes the accomplishments by the Camp Bullis Integrated Training Area Management (ITAM) and management of endangered species like the Golden-cheeked Warbler and Black-capped Vireo songbirds.

"The award represents a combination of creative approaches to maintaining habitats and a commitment to providing realistic training for soldiers," said Dusty Bruns, ITAM manager.

There are five endangered species that reside on Camp Bullis including two songbirds, a spider and two cave beetles, one of which is found in three caves on Camp Bullis and no other place in the world.

"Having endangered species aboard Camp Bullis doesn't mean the quality of training must suffer," said Bruns. "We must simply ensure that training scheduled in habitat areas is compatible with the species' needs."

> ***"The objective of our ITAM program is to ensure we are able to meet the training requirements of our soldiers while protecting the environment by being good stewards."***
>
> ***Lt. Col. Robert V. Ward***
> ***Camp Bullis Commander***

According to Environmental Division Biologist Jerry Thompson, areas where warblers nest are sensitive to disturbance such as noise and vehicle traffic, so these areas are best used for low impact training such as reconnaissance

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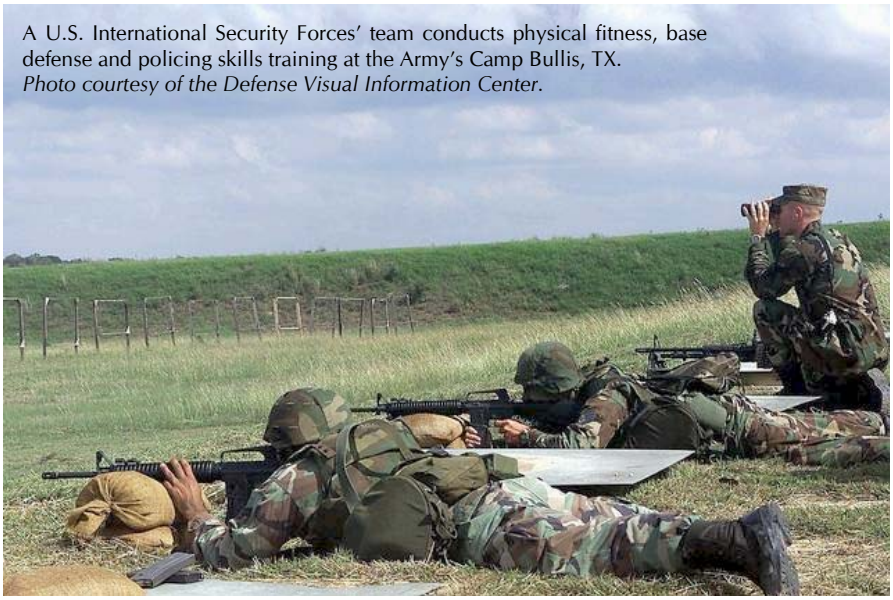

A U.S. International Security Forces' team conducts physical fitness, base defense and policing skills training at the Army's Camp Bullis, TX.
Photo courtesy of the Defense Visual Information Center.

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Change of Command at Army Environmental Center

Col. James M. De Paz assumed command of the U.S. Army Environmental Center during a ceremony on the parade field at the Edgewood Area of Aberdeen Proving Ground (APG), MD., August 1st, 2002.

Maj. Gen. Larry J. Lust, Department of the Army Assistant Chief of Staff for Installation Management, served as the reviewing officer. Addressing the ceremony's attendees, Lust noted the outstanding accomplishments of the organization under the direction of Col. Stanley H. Lillie, the outgoing commander. "Thanks for all you do day in and day out to help the environment," Lust said. "And, thanks for all you have done for the past two years," he told Lillie. He also welcomed De Paz as a "proven leader," coming in with great credentials to a "great outfit."

Lillie thanked the Environmental Center staff and the Aberdeen Proving Ground community for their support during his tour of command. "It's been a pleasure to command this organization the past two years," he said. "I think the future is bright for the Army environmental team."

Col. Stanley H. Lillie, outgoing commander, Maj. Gen. Larry J. Lust, reviewing officer, and Col. James M. De Paz, incoming commander, (l-r) face the color guard from the 143 Ordnance Battalion as it presents arms during the U.S. Army Environmental Center change of command ceremony August 1st at Edgewood Arsenal, Md.

De Paz holds a master of education degree from North Georgia College. His military education includes the Chemical Officer Basic and Advanced Courses, Airborne, Ranger, and Pathfinder schools, the Army Command and General Staff College, and the Air War College.

His past assignments include: commander of the 12th Chemical Company, 1st Infantry Division, Fort Riley, Kan.; assistant division chemical officer of the 2nd Infantry Division, Republic of Korea; brigade plans officer of the 7th Engineer Brigade, Stuttgart, Germany; a personnel assignment officer for the U.S. Army Personnel Command (PERSCOM); as a chemical staff officer on the Army Staff (ODCSOPS), Washington, D.C.; deputy III Corps chemical officer at Fort Hood, Texas; commander of the United States Army Criminal Investigation Laboratory, Fort Gillem, Ga.; and as a counter proliferation strategy and policy planner, J-5, the Joint Staff, Washington, D.C.

His awards and decorations include the Defense Meritorious Service Medal, bronze oak leaf cluster; the Meritorious Service Medal, silver and bronze OLC; the Joint Service Commendation Medal, the Army Commendation Medal bronze OLC; and the Joint Achievement Medal. He has also earned the Joint Staff Badge, the Army Staff Identification Badge, the Airborne and Pathfinder badges and the Ranger Tab.

Story and photos by Yvonne Johnson, APG News, and Neal Snyder, AEC.

CREO Participation Calendar
DoD REC Region 7
Army RECs Regions 6 & 7

8/12-16	ECAS at Lake City AAP, Independence, MO
8/19-22	Joint Service P2/HW Conference, San Antonio, TX
8/22	Annual Kansas FUDS Meeting, EPA Region 7, Kansas City KS
8/23	Texas Environmental Partnering Meeting, San Antonio, TX
8/23	In Progress Review, Fort Leonard Wood, MO
8/26-27	Governor's Conference on Clean Water, St. Louis, MO
8/27-28	Southwest Strategy Tribal/Federal Workgroup Meeting, Taos, NM
8/27-28	KDHE Annual Environmental Conference, Topeka, KS
9/19-20	Region 7 Environment & Safety Symposium, Kansas City, MO
9/24-25	Southwest Strategy Tribal/Federal Workgroup Meeting, Parker, AZ
9/30	Region 7 P2 Roundtable Meeting, location, TBD
10/2	HTRW Line Item Review, Kansas City, MO
10/23-24	Southwest Strategy Tribal/Federal Workgroup Mtg., Mescalero, NM
11/20-21	Southwest Land Use Planning Conference, Tucson, AZ.
12/4-6	EPA Compliance Assistance Forum, San Antonio, TX

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Please visit the new DoD Regional Environmental Coordinator Web site

Public Access: www.denix.osd.mil/denix/Public/Library/Partner/REC/rec.html.
State/DoD Access: www.denix.osd.mil/denix/State/Partnering/REC/rec.html.

Fort Riley Conservation And Recycling Efforts Recognized by National Organizations

By Fort Riley Public Affairs Office

Fort Riley's Directorate of Environment and Safety (DES) has been recognized by two national organizations for their conservation and recycling efforts.

Partners in Flight recognizes organizations that protect migratory birds and their habitats. Waste Management, Inc., acknowledges communities that promote America Recycles Day.

DES was awarded the Partners in Flight Group Award for Sound Land Stewardship. DES personnel are responsible for maintaining the Fort Riley, Kansas, training areas for military training and for ecosystem integrity. They accomplish both these missions through conservation of the tall grass prairie by prescribed burning, closely regulated hay harvesting, and invasive tree control. These practices lead to healthy bird populations. Many bird species use Fort Riley while breeding, migrating, or wintering, and are surveyed by DES personnel. The DES individuals involved in these ongoing efforts are Herb Abel, conservation division chief; Alan Hynek, fish and wildlife administrator; Jeff Keating and Gibran Suleiman, threatened and endangered species biologists; John Barbur and Monte Metzger, agronomists; Mark Neely, forester; Mark Schreefer, forestry technician; and Jerold Spohn, range technician.

Jeff Keating, threatened and endangered species biologist at the DES, said, "Birds comprise the majority of vertebrate species that occur in the habitats on Fort Riley. Managing these habitats to provide quality areas for the diverse bird species that occur also provides quality habitat for the other types of wildlife native to this region." The largest habitat type on Fort Riley is tall grass prairie, which is the habitat type that has suffered the largest loss of acreage in North America according to Keeting. Thus, an emphasis on Fort Riley has been to coordinate prairie management initiatives, such as prescribed burning and agricultural leases, in such a manner that the needs of all breeding grassland birds within the Flint Hills area are met, in both the short and long terms, in coordination with the military mission.

The DES was also awarded the Waste Management, Inc., Recycle America Award for their America Recycles Day activities. Government officials, elementary students, military and civilian personnel, as well as members of the surrounding communities, were invited by DES to participate in events designed to promote the benefits of recycling and buying recycled-content products. The DES sponsored 14 separate events, including the grand opening of a new recycle collection point, a "Buy Green" product identification initiative for consumers at the Fort Riley Commissary and the Post Exchange, and an elementary school poster contest. The DES focused much of its America Recycles Day efforts close to home, but Fort Riley's activities extended beyond the installation's boundaries to surrounding communities. Through the influence and support of Fort Riley's DES, Junction City and Kansas State University held America Recycles Day events in 2001. The Recycle America Award came with a $3,000 check, which will be used to support Fort Riley's Troop Incentive Program, the program through which units on the installation are given monetary awards for recycling.

Mr. Jeff Keating, Fort Riley threatened and endangered species biologist, holding the Partners In Flight Award.

Ms. Pamela A. Whitman joined the installation staff at Fort Riley on July 1, 2002, as the Acting Director of Environment and Safety, succeeding Debora Richert who is attending Senior Service College. Prior to this assignment, Ms. Whitman was an Environmental Integration Specialist in the Office of the Deputy Chief of Staff for Base Operations Support (DCSBOS), U.S. Army Training and Doctrine Command (TRADOC), Fort Monroe, Virginia. There she managed TRADOC's Environmental Doctrine, Training, Leader Development, Organization, Material, and Soldiers (DTLOMS) Integration program overseeing publication of FM 3-100.4, *Military Environmental Protection* and several training products for soldiers. Additionally, Ms. Whitman was the NEPA program manager for TRADOC. In this capacity, she oversaw preparation of the TRADOC Transformation Programmatic Environmental Impact Statement (PEIS) and authored the Army Transformation PEIS. Ms. Whitman also managed TRADOC's environmental manpower and training requirements and served on the Operations Team of the Northeast Regional Office Transition Team during her last few months at TRADOC.

As the DES, Ms. Whitman supervises four divisions with a staff of 100 civilian personnel and manages a total annual budget of $10 million.

A Visit to White Sands Missile Range, New Mexico
Insight into Installation Environmental Operations

By Mr. Stanley Rasmussen
CREO Regional Counsel

As the new Regional Counsel for the Army's Central Regional Environmental Office (CREO), part of my responsibilities are to learn about the operations at Army and DoD installations by visiting the installation and meeting with environmental staff. I recently had such an opportunity to do this at White Sands Missile Range (WSMR) and would like to share some of my experience with you.

Mr. Bruce Ensor, the WSMR Environmental Legal Specialist was my host for the visit and did an excellent job of making me feel welcomed and making sure that I was able to learn as much about the installation and its environmental issues as was possible in the short time I was there. After arriving at the El Paso airport, I made the drive to WSMR and met Mr. Ensor on post where he had me included in a cookout with other installation staff and their families. After some great food and drink, we finalized our plans for the next two days' activities: a command briefing; helicopter tour of the installation; meetings with the SJA, LTC Sommerkamp, and with the installation Environmental and Safety Manager, Mr. T. A. Ladd; and meetings with members of the environmental staff.

The author got an aerial tour of White Sands Missile Range, including a view of their wastewater treatment plant. *Photos courtesy of Stanley Rasmussen, CREO Regional Counsel.*

The command briefing was excellent and was packed with historical and operational information about WSMR. Some of the highlights included history of the V-2 rocket program; history of NASA activities; geographical and climatic characteristics; wildlife diversity; current major research programs, both domestic and foreign sponsored; future major programs; workforce and manpower statistics; and, budgetary considerations and financial impact on the state and surrounding community.

Following the command briefing, I was escorted to the heliport where we departed on a helicopter tour of the installation. Accompanying me on the tour were Mr. Ensor, Mr. Pat Morrow (a wildlife specialist), Mr. Jim Eckles (a public relations specialist) and 1st Lieutenant Lashanda Ellis. It was a perfect day for flying, so the doors were left open to provide us with an unrestricted view.

During the flight we focused our observations on environmental related issues. Accordingly we tended to fly over environmental points of interest such as wetland areas, streams, and wastewater discharge locations. We also had the opportunity to fly past some of the more significant features on WSMR such as the V-2 launch pad, the space shuttle landing runways, White Sands National Monument, and the Trinity Site.

Throughout the helicopter tour Mr. Eckles provided a continuous commentary of what we were seeing and the story behind its importance to the range. For example, we were told the story of Victorio Peak where legend has it that a treasure trove of Spanish gold and artifacts lies in a tunnel within the peak. Although this peak has been repeatedly explored with no documented gold recovery, treasure hunters still inquire about obtaining permission to explore and excavate the peak in hopes of finding the treasure.

During the tour Mr. Morrow and I also discussed various wildlife issues such as the impact of the African oryx on the WSMR environment and the surrounding region, the potential reintroduction of desert bighorn and how that may impact operations at the range, and the potential impact from reintroduction of Aplomado falcons near the range property.

After completing the flight, I had an opportunity to discuss various environmental issues with LTC Sommerkamp, the WSMR SJA, and with T.A. Ladd, the Environment and Safety Manager for WSMR. I found these meetings to be very enlightening and informative as I started to gain a real appreciation and understanding for the environmental complexities and challenges at WSMR.

I spent the following day with several environmental staff members including Mr. Gene Forsythe, Chief of the Environmental Compliance Division, Mr. Junior

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Conference Conducted to Plan for an "Environmentally Sustained" Fort Hood

By Pvt. 2 Stephanie Carpenter
Fort Hood, TX, Sentinel Staff Writer

At 10:30 a.m. on June 13, 2002, the three-day Fort Hood Environmental Sustainability Executive Conference came to a productive end with the presentation of final goals to Brig. Gen. William M. Lenaers, 13th Corps Support Command commander.

Infantry Tactics Procedures training at Fort Hood. *Photos courtesy of the Defense Visual Info Center.*

Two hundred and fifty attendees arrived at the Killeen Civic and Conference Center June 11 to begin a combined effort to discuss challenges and bring about objectives for a long-term plan to maintain Fort Hood as an environmentally stable installation, said participant Col. William H. Parry, III, garrison commander.

The attendees were broken down into six groups of approximately 30 people plus a facilitator and a recorder. These groups were given an area of environmental concern, said Randy Doyle, Department of Public Works Pollution Prevention Program manager and the facilitator-at-large for the conference. The attendees range from subject matter experts to normal people with normal ideas, he said.

The groups of concern were products and materials, energy, infrastructure, air quality, water resources, and sustainable training areas. The attendees discussed issues in these groups on the first and second day and presented their initial goals in the afternoon. From the initial goals, the attendees voted for the ones that would be presented as final goals the next day.

After more refining, the goals presented were:

- Facilities at Fort Hood are planned, designed, constructed and maintained to be sustainable based on the master plan and the Installation Design Guide.
- Training areas that fully support mission requirements and sustain resources.
- 75 percent or more of facility energy used on Fort Hood to be from renewable sources and 50 percent or more of electricity to be generated on post through distributed generation by 2027.
- Fort Hood lends a regional commitment to sustainability culture in Central Texas.
- Reduce Fort Hood overall potable water consumption by 45 percent and maintain downstream water quality.
- Establishment of a process that attains regional air quality and sustains military training.
- Foster cooperation, share information and coordinate 25-year sustainability plans through a Regional Sustainability Council.

Army Environmental Management System Unveiled

From Staff Notes

The Army plans to implement an Environmental Management System (EMS) at all appropriate installations by December 31, 2005, in accordance with Executive Order 13148: "Greening the Government Through Leadership in Environmental Management." Executive Order 13148 states, "all necessary actions shall be taken to integrate environmental accountability into agency day-to-day decision making and long-term processes; across all agency missions, activities, and functions; and must be an integral component of planning, operations, policies, and management." The Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health, Mr. Ray Fatz, has directed Army installations to adopt the internationally recognized management system standard ISO 14001 as a goal. Implementation of EMSs will be incremental. Installations may begin implementing ISO 14001 at any time. However, implementation should be initiated by fiscal year 2004, with an EMS in place by December 31, 2005. Full conformance with the standard is to be completed by fiscal year 2009.

An EMS is the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining environmental policy. An EMS contains five basic parts: 1) Environmental Policy, 2) Planning, 3) Implementation and Operation, 4) Checking and Corrective Action, and 5) Management Review. The EMS provides the framework that will allow an installation to define the basics needed for environmental management; integrate across organizations, elements and parts; get the right information to the right people

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Matters of Interest to All DoD Components

Legally Brief

A Primer on Sovereign Immunity

By Stanley Rasmussen
CREO Regional Counsel

Sovereign Immunity. What is it? Sovereign immunity is a term that many of us hear and use when working in the environmental compliance arena, but we may not have a clear understanding of what the term means and where it came from. As an attorney new to the federal government, I found myself hearing and using this term with substantial frequency, but I was not sure that I had a good understanding of it. This article attempts to help bring some clarity to the concept of and the meaning behind sovereign immunity as it applies to environmental compliance.

Essentially, the concept of sovereign immunity developed in English common law (the primary foundation for the American legal system) from the idea that "the King can do no wrong." Historically it was believed and enforced that kings ruled by divine right and that rights of the people extended only as far as the King allowed. Today in America, the United States government is seen as the sovereign, but how the concept of sovereign immunity is applied is not immediately clear.

You will not find sovereign immunity addressed in the Constitution, nor will you find a general sovereign immunity law from Congress. Nonetheless, the principal of sovereign immunity is deeply rooted in American legal history. The concept of sovereign immunity was recognized by the Supreme Court as far back as 1793 and was directly supported by the Supreme Court in the 1821 case of *Cohens v. Virginia*. Today, sovereign immunity is generally recognized and understood as the principle that the United States is immune from lawsuits unless it has given its consent to be sued. More specifically, an entity formed by Congress, such as the Department of Defense, the Environmental Protection Agency, or the Department of Interior, may not be sued unless Congress has explicitly and unequivocally authorized such actions. In other words, the doctrine of sovereign immunity precludes suits against the United States government without the consent of Congress.

Congress, and Congress alone, has the authority to determine whether and under what circumstances to waive the immunity of the United States. Therefore, sovereign immunity cannot be waived by a court (even the Supreme Court), by any regulations promulgated by a federal agency, or by government officers. The authority of Congress to waive sovereign immunity also includes the right to place conditions and limitations on a waiver and to withdraw a waiver at any time it deems proper. In addition, as recently affirmed in the 1992 Supreme Court case of *Ohio v. U.S. Department of Energy*, which concerned the waiver of sovereign immunity in the Clean Water Act and the Resource Conservation and Recovery Act (RCRA), waivers of sovereign immunity "are construed strictly in favor of the sovereign," "must be unequivocal," and cannot be "enlarged beyond what the language requires."

So how does this apply to the Army in the area of environmental compliance? Does the Army have sovereign immunity for compliance with environmental statutory and regulatory requirements? Generally speaking, no. Almost all federal environmental statutes contain waivers of the government's sovereign immunity relating to compliance with those statutes and their corresponding regulations. As such, the Army is required to comply with the pollution control requirements of all major federal environmental statutes such as the Clean Air Act, the Clean Water Act and RCRA.

Over the past three decades, there have been steadily expanding waivers of sovereign immunity in federal environmental laws. However, because no two statutes have exactly the same waiver language, the degree to which sovereign immunity has been waived varies from statute to statute. Additionally, sovereign immunity is not an all or nothing proposition. Courts will review the language of each statute to determine what is included within each waiver and what is still outside the waiver. As previously noted above, the Supreme Court requires that such waivers be "clear and unequivocal," and ambiguities are resolved against a conclusion that sovereign immunity has been waived. Executive departments cannot ignore sovereign immunity where it exists.

Some of the Army's environmental requirements actually apply uniquely to the federal government, and private parties are not required to comply with these laws. For example, the requirements of the National Environmental Policy Act (NEPA) only apply to federal agencies. Additionally, there are special requirements under the Endangered Species Act and under cultural resource laws that only apply to federal agencies. There are also actions that the Army takes under executive orders, and as a matter of DoD and Army policy, that would not otherwise be required. Following are some examples where an ex-

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Cooperation Among Regulators and the Military

Perspective from the Field - New Mexico

By Elza Cushing, P.E.
Fort Bliss Directorate of Environment
Chief, Compliance Division

General John M. Keane, Vice Chief of Staff United States Army in his July 7, 2002 report to the Senate's Environment and Public Works Committee discussed the Army's effort to preserve and protect effective training and testing utilizing a three-prong approach, including a charge to "Support and foster cooperation among regulators and the military..."

Recent activities in New Mexico, however, are running contrary to one of General Keane's charges. New Mexico Environmental Department's (NMED) Hazardous Waste Bureau (HWB) has pulled away from the partnering table after a longstanding association on Corrective Action (CA) cleanups. NMED is citing the federal regulatory community in New Mexico as "recalcitrant" and "resistant" to their authority.

At a regular quarterly meeting on June 26, 2002, NMED's HWB representative listed the issues which caused them to pull away, to include: unanswered agency requests for supplemental information, appeals by an installation regarding Annual Unit Audit fees, challenges by an installation for CERCLA applicability in lieu of RCRA, ready exercise of legal options, refusal by an installation for perchlorate sampling, failure by an installation to file Notices of Intent to Discharge, etc.

The pull away is particularly alarming considering who the federally regulated community is in New Mexico ... Los Alamos National Laboratory (LANL); Sandia National Laboratory; National Air & Space Administration's Johnson Center White Sands Test Facility, White Sands Missile Range; Forts Bliss and Wingate; Holloman, Kirtland and Canon Air Force Bases. The alarm is deafening when one considers that for the National Labs alone there are over 4,000 Solid Waste Management Units (SWMUs) with the potential for corrective action, not including those at the DoD facilities.

It is my opinion that the environmental climate has gone awry for other reasons not stated, including unified federal positions this last year on a proposed hazardous waste fee restructuring and on NMED's Draft Land Use Controls (LUCs) legislation. It is the unification of the federal regulatory community in New Mexico that has iced the cake so to speak and now postures New Mexico defensively. Is it unfair on our part to ask New Mexico to substantiate their fees or for us to tell New Mexico their cleanup standards are the most restrictive in the country? Should we now be relegated to nodding in taciturn agreement?

A healthy regulatory partnership should engender discussions and feedback in both directions to promote honest and open exchanges. With the pull out of New Mexico from the CA partnership and the termination last year of New Mexico's Pollution Prevention partnership, there will be no forum at all for discussions with our regulator. General Keane would frown, if only he knew.

It is also my opinion that there are even greater issues confronting New Mexico than the pull away from the partnership. All of us feds in New Mexico understand the extreme constraints in manpower and monetary resources that NMED is working under and the pressure upon them to perform in order to maintain their delegated programs. I do believe, as a unified regulated community, we can help them improve their lot by using our combined federal muscle to campaign for them for more resources. At the same time, I believe the campaign message should also capture our federal positions on residential standards, the most restrictive in the U.S., LUCs, fees, etc. This would be a campaign long overdue and a partnership unheralded.

TXP3 Evolves into Texas Environmental Partnership

From Staff Notes

The Texas Pollution Prevention Partnership has formally changed its name to the Texas Environmental Partnership (TXEP). The name change reflects the expanded focus of the partnership to include all environmental and compliance issues of interest to military installations in Texas, not just pollution prevention issues.

TXEP meeting of February 27, 2002, at Fort Hood, TX.
Photo courtesy of Spc. Charles Goff, III Corps Public Affairs Office.

TXEP members include the Texas Commission on Environmental Quality (TCEQ), U.S. Environmental Protection Agency Region 6, U.S. Department of Defense (DoD), Texas Army National Guard, NASA-Johnson Space Center, U. S. Coast Guard, and U.S. Department of Energy in Texas.

The TXEP Co-Chairs are Dr. Thomas Rennie, DoD (214/767-4678), and Mr. Israel Anderson, TCEQ (512/239-5318).

Training with Industry
A U.S. Army Chemical Officer in the EPA

By CPT Daniel P. Laurelli

As I prepare to depart for my new assignment at the U. S. Army Chemical School at Fort Leonard Wood, I wanted to share with the readers of this newsletter a brief summary of my year long participation in the Army's Training with Industry (TWI) program, with the U.S. Environmental Protection Agency (EPA) Region 7 located in Kansas City, KS. Through this program, officers learn higher-level managerial techniques, become familiar with environmental issues that affect the military, and gain an understanding of the relationship of industry to specific functions of the Army. Once an officer is integrated back into an Army organization, he/she uses this experience and training to improve the Army's ability to interact and conduct business with other government agencies and private industry.

I reported to the EPA Region 7 last summer after returning from a seven-month deployment in support of peacekeeping operations in Bosnia-Herzegovina, as commander of Headquarters and Headquarters Company (HHC) of the 3rd Infantry Division's aviation brigade.

At EPA, I was assigned to the Enforcement Coordination Office (ECO) under the Federal Facilities Program Manager. This experience provided me the opportunity to observe how EPA interacts with the federal facilities within Region 7.

There were two major projects I worked on in Federal Facilities. The first project was researching and designing a database for the over 700 federal facilities within Region 7. The database, organized with multiple fields for each facility, will be used in tracking environmental compliance. This was a good introduction to the sheer scope of the operation. The second project was the annual EPA Regional Federal Facilities and Military Environmental Group (MEG) Conference, requiring conference room preparation, presentation coordination and multiple other staff functions. When the Federal Facility Program Manger was unable to attend the conference, I assumed duties of the primary conference coordinator. The conference was successful and a good learning experience. Additionally, I gained experience in working with the Army Environmental Center's (AEC) Regional Office also located in Kansas City.

To further my understanding of EPA's mission, I was able to conduct a rotation under the Emergency Response and Removal Branch doing On-Site Coordinator (OSC) activities. This provided the opportunity to learn emergency response procedures, counter-terrorism operations, and long-term hazardous material removal and remediation. Due to the events of September 11, 2001, I worked extensively with the EPA's Continuity of Operations Plan (COOP), which establishes prearranged Emergency Operations Centers (EOC) in case the EPA building is unserviceable. This project included presenting a briefing to the EPA Regional Administrator and senior staff describing locations, capabilities, accessibility and expectations of the four temporary EOCs and developing the base proposal for the modification of the EPA Region 7 warehouse, to be upgraded for use as an Emergency Operations Center (EOC) including a training room and a secure room. The construction of the new EOC is currently underway.

In coordination with multiple divisions of EPA Region 7, I helped develop a Security Awareness Pamphlet designed for facilities and transporters of hazardous materials, to evaluate their security against terrorist activity.

Working with OSCs, I visited two cleanup sites. At the first site in Neosho, MO, an environmental company sub-contracted by EPA sampled well water for contamination. Monitoring at this site has been on-going since the 1950s. I was instructed on the sampling procedures, documentation, labeling and record keeping for each sample taken. At the second site in Cherryvale, KS, I assisted in the topographical mapping of land contaminated with lead from a nearby smelter that had been in operation for over sixty years, beginning in the 1880s. I assisted in the survey as part of the remediation team and marked areas of drainage ditches and 60 cisterns used to dump slag from the smelter.

I also attended the OSC Readiness Training Program in Tampa, FL. The program allows OSCs to strengthen their knowledge and skills essential to job performance, provide diverse learning experiences, achieve interregional networking among OSCs, and showcase regional case studies, current tools and resources available.

In addition the OSC course, I was given attended many environmental training classes to increase my understanding of emergency response and site remediation. Among these were - Hazardous Waste Operations and Emergency Response (HAZWOPER) 40-hour Course, Environmental Remediation Technologies, Chemistry for Environmental Professionals, and Basic Inspectors Training.

As my year with EPA Region 7 draws to a close, I can say that I have learned a wealth of information about environmental compliance, emergency responses and long- term site remediation. I will certainly miss all the people at EPA and AEC when my rotation is complete.

At the end of August, I am being assigned as the Chief of Biological Agent Training in the Chemical Corps schoolhouse at Fort Leonard Wood, MO. My section will be teaching chemical officers on biological agents. Additionally, I will teach and qualify soldiers on the U. S. Army Biological Integrated Detection System (BIDS) for detecting biological agents in a field environment.

More information about the Army's Training With Industry program can be found at www.cascom.army.mil/pp/.

Swords to Plowshares - *Restoring FUDS in Region 7*

By Steve Scanlon
Army Regional Environmental Coordinator, Region 7

Tom Brokaw calls them "the greatest generation," and, I don't disagree with him one bit. Most of us living in the United States today owe our freedom and prosperity to the sacrifices our fathers and mothers made during those crucial years of World War II. In an unbelievably short time frame, that generation created an industrial base that became the arsenal of democracy not only for WWII, but also for the Cold war that ensued.

Through their foresight and ingenuity, they tapped that greatest of all American resources - the talent and determination of citizens in small towns and rural areas from coast to coast, who built and operated hundreds of munitions plants, arsenals and depots in out of the way places. The remoteness of many of these facilities not only provided security to the installation, but also insulated communities from the adverse effects of a catastrophic occurrence at a plant. However, in those days and for decades afterward, environmental impact was not even a consideration.

As Americans became increasingly aware of the characteristics and environmental affects of certain compounds and by-products of industrial processes toward the end of the 1960s and early 70s, greater attention was paid to past activities at Army, Navy and Air Force facilities that formed the industrial base that sustained the country through wars and other threats to our national security through the 1940s, 50s and even to the present day. One unfortunate legacy of winning our nation's wars has been the contamination left behind in communities that are not as remote now as they once were.

Dedication of the groundwater treatment facility at the former Nebraska Ordnance Plant.

On May 17, 2002, the Department of Defense took another step toward putting that legacy behind us with the dedication of a groundwater treatment plant at the former Nebraska Ordnance Plant near Mead, Nebraska. The startup of this facility marks the beginning of the long-term groundwater cleanup effort as part of the U.S. Army Corps of Engineers' commitment to a cleaner environment for the former ordnance plant area.

The Nebraska Ordnance Plant once comprised 17,000-acres. The facility operated four bomb-loading lines from 1942 to 1956 for World War II and the Korean War. In addition, the plant was used by the Army for munitions storage and ammonium nitrate production. The Air Force also built and maintained three Atlas missile silos at the facility from 1959 to 1964. Some of the processes associated with these activities used organic solvents.

Beginning in 1962, portions of the plant were sold to various entities. Today, the major production area of the former plant, approximately 9,000 acres, belongs to the University of Nebraska, which uses it as an agricultural research station. The Nebraska National Guard and numerous individuals and corporations own the remaining acreage.

The groundwater treatment plant at Operable Unit 2 (OU2) is designed to treat 3,000 gallons per minute of water contaminated with Royal Dutch Explosive (RDX) and trichloroethylene (TCE). The new treatment facility removes these contaminants from 4 million gallons of water daily by filtering the water through Granular Activated Carbon (GAC). Treated water is available for beneficial reuse primarily for agricultural irrigation.

Both the Omaha and Kansas City Districts of the Corps have responsibility for various aspects of OU2. The Omaha District was responsible for the design and construction of the treatment plant, while the Kansas City District manages the Long Term Operation and Maintenance of the plant.

Through these efforts, the sons and daughters of that "greatest generation" are restoring the environment in communities that gave so much for our freedom. We owe that to them. That's our legacy for the generations to come. ☙

Change of Command at Lake City Army Ammunition Plant

Lieutenant Colonel James S. Jones assumed command of Lake City Army Ammunition Plant on June 27, 2002, succeeding LTC Ronald Alberto. Colonel Jones began his military career in 1980 and has served in a variety of command and staff positions in the Army Ordnance Corps both in CONUS and Germany. His last assignment was as Chief, Sustainment Maintenance Branch, Army G-4 (formerly Army DCSLOG) at Headquarters, Department of the Army.

LCAAP is a Government Owned, Contractor Operated (GOCO) industrial facility in Independence, Missouri. It was established in November of 1940 and is currently the only active small caliber manufacturing facility in the Department of Defense. Its products include "Green Ammo." ☙

(***Camp Bullis**, continued from page 1)*
training and patrolling.

Listed as endangered in 1990, Golden-cheeked Warblers nest only in central Texas mixed Ashe juniper and oak woodlands in ravines and canyons. They come to Texas in March to nest and raise their young, leaving in July to spend the winter in Mexico and Central America.

The warblers are endangered because much of their habitats have been cleared to build houses, roads and stores. Some habitat was cleared to grow crops or grass for livestock. Of the nearly 360 bird species that breed in Texas, the 4.5-inch long songbird is the only one that nests exclusively in Texas.

Five endangered species reside on Camp Bullis, two songbirds (Golden-cheeked Warbler and Black-capped Vireo - shown in photo), a spider (Madla's Cave Spider) and two cave beetles (*Rhadine exilis and Rhadine infernalis* - shown in photo).

Unfortunately, further pressures on the warbler's habitat in Latin America, where the bird spends over half of the year, is also increasing as forests are disappearing at an alarming rate. In addition to avoiding their many predators, cowbirds who warblers must also deal with frequently lay their eggs in warbler nests instead of building their own. The cowbird chicks are nearly always bigger and stronger, and end up with most of the food.

Black-capped Vireos, listed as endangered in 1987, nest in Texas during April through July, and spend the winter on the western coast of Mexico. They build nests in the fork of a branch two to four feet above the ground. Nests are usually built in shrubs such as shin oak or sumac.

The Vireos are endangered because the low growing woody cover needed for nesting has been cleared or overgrazed by livestock and deer. Also, range fires, which used to promote the growth of vireo habitat, are not as frequent today as in the days before Europeans settled Texas. Cowbirds also lay their eggs in vireo nests, often causing the vireos to abandon them.

Having to monitor and develop habitats for the songbirds could have been looked upon as a hindrance, but both Bruns and Thompson consider themselves to be in the "training opportunity business" considering it a challenge to provide variety in training environments.

"We have wide open spaces to thick brush, paved roads to small trails which force leaders to figure out ways through or around areas," said Bruns. "A diverse plant community means a more diverse and healthy wildlife community, and it also means more diversity in training opportunities."

As part of an evacuation training exercise, an Army medical evacuation (MEDEVAC) flight crew loads a mock patient on a stretcher aboard a UH-1 Iroquois helicopter at Camp Bullis, TX. *Photo courtesy of the Defense Visual Information Center.*

Different methods are used to maintain and develop areas for both training and endangered species. Annual prescribed burns are used to maintain grassland savannahs. Heavy equipment is also used to remove excessive brush in order to adapt or sculpt areas to meet training or environmental needs.

According to Thompson, the Golden-cheeked warbler population has doubled over the past few years. "We attribute this to a combination of Camp Bullis area management efforts and loss of habitat in surrounding areas," said Thompson.

Camp Bullis was chosen as one of four installations across the United States to serve as a demonstration area for the Army's new Tactical Concealment Area Program – a further "environmentally-friendly" extension of ITAM's Land Rehabilitation and Maintenance programs. Camp Bullis is a model for the rest of the Army to follow. The proactive and creative work of Bruns, Thompson and the rest of the Camp Bullis team have enabled them to be exempted from new Department of Fish and Wildlife restrictions.

"We have managed the cave beetles so well that we may not have to adapt to new Fish and Wildlife controls that other areas will have to adhere to," said Bruns. "For us it will be business as usual."

Whether they call themselves environmentalists or training opportunity providers, Bruns and Thompson endeavor to offer realistic training environments for soldiers while maintaining safe havens for the songbirds and the other endangered species.

"The objective of our ITAM program is to ensure we are able to meet the training requirements of our soldiers while protecting the environment by being good stewards," said Camp Bullis Commander, Lt. Col. Robert V. Ward.

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(***Legally Brief**, continued from page 6)*
ecutive order, a DoD policy or an Army policy requires an action that would not otherwise be required:

- Executive order: There is no waiver of sovereign immunity under the Toxic Substances Control Act (TSCA) for compliance with PCB requirements. Executive Order 12088 mandates compliance with these requirements.
- DoD policy: The Lead-Based Paint Guidelines for Disposal of DoD Residential Real Property contain provisions that exceed legal requirements under Title X, which is a federal law requiring certain actions relating to lead-based paint.
- Army policy: The Army requires installations to prepare certain documents, including Integrated Cultural Resource Management Plans, Integrated Pest Management Plans and Endangered Species Management Plans.

An example of the difference between waivers of sovereign immunity is illustrated in the comparison of the waivers in the RCRA. Both waivers clearly and unequivocally waive sovereign immunity for compliance with the substantive and procedural requirements under those Acts. So, the Army is required to obtain permits to manage its solid and hazardous waste, as well as to discharge pollutants into navigable waters. It is also required to engage in the documentation, technical performance and public participation requirements that are prescribed in the regulations under those Acts. The difference lies in the ability of the Army to pay fines that might be levied in the event of noncompliance: Under RCRA, there is a waiver for such fines, while there is no such waiver under the Clean Water Act.

How can a State enforce its laws if it cannot fine the federal government? Generally, the waivers of sovereign immunity empower state regulatory authorities to issue administrative orders requiring compliance, which are enforceable in court by injunctive relief and monetary contempt sanctions. Additionally, as a matter of Army policy, our installation commanders must comply with environmental statutes, regulations and these enforcement orders. The commanders must also answer up the chain of command, and ultimately to the President, for every notice of violation. The Assistant Secretary of the Army for Installations and Environment has established a "zero NOV goal" for the Army, and has imposed a requirement that his office receive notice of any new environmental enforcement actions within 24 hours of their receipt by the installation.

Hopefully, this article will be helpful in your understanding of the legal doctrine of sovereign immunity. If you have additional questions concerning this topic, please feel free to contact me at (816) 983-3448 or at *CREO.Regional.Counsel@nwk02.usace.army.mil*.

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Should you have other legal environmental topics that you would like to be *Legally Briefed* on, send your ideas to me at the above listed address.

(***White Sands**, continued from page 4)*
Kerns, Chief of the Environmental Stewardship Division, Ms. Daisan Taylor, Wildlife Biologist, and Mr. Bill Yehle, Archeologist. We discussed several issues including groundwater discharge permitting and sovereign immunity, threatened and endangered species impacts, controlled burning by the U.S. Fish & Wildlife Service and the potential impact on cultural sites, and miscellaneous wastewater, solid waste, and water supply issues.

As a result of my time at WSMR and the opportunity I had to meet with various installation personnel, I now have a greater appreciation and understanding of the complex environmental issues faced by the environmental professionals at White Sands. In the future, I anticipate that this opportunity to visit the range and be exposed to the scope of issues faced by such a large installation will enable me to provide knowledgeable and practical environmental legal support to WSMR in my role as CREO Regional Counsel.

Please feel free to contact me at (816) 983-3448 or at *CREO.Regional.Counsel@nwk02.usace.army.mil*.

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(***EMS Unveiled,** continued from page 5)*
at the right time; and continually review and improve environmental management.

The Army's EMS will be mission-focused and will incorporate all activities at an installation that have the potential to impact the environment including base operations as well as mission-related activities such as ranges and training areas. The goal is for mission priorities to provide the direction for the environmental program by acting as a bridge linking mission priorities and base operations. The EMS is expected to facilitate and enhance readiness by providing the framework in which roadblocks to mission accomplishment can be proactively identified and resolved.

Currently detailed implementation guidance is being developed. This guidance will be field-tested to ensure that the mission-enhancing aspects are fully developed. EMS training, with emphasis on how to focus on mission priorities, is also being developed. An implementation workshop is scheduled for October of 2002.

For more information on the Army's EMS, contact the U.S. Army Environmental Center's Environmental Hotline at 800-USA-3845, or by email at t2hotline@aec.apgea.army.mil.

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Mission: The CREO supports the Army and DoD mission through coordination, communication and facilitation of regional environmental activities. The Army REOs are part of a DoD network in which the Army, Air Force and Navy each has lead responsibility for mission implementation in the 10 Standard Federal regions. The CREO has DoD lead responsibility for Region 7 and Army lead responsibility for Regions 6 & 7.

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